

## CITY OF MESA

### MINUTES OF THE PLANNING AND ZONING BOARD MEETING

Held in the City of Mesa Council Chambers  
Date: February 17, 2010 Time: 4:00 p.m.

#### MEMBERS PRESENT

Frank Mizner, Chair  
Randy Carter, Vice Chair  
Beth Coons  
Chell Roberts  
Vince DiBella  
Lisa Hudson

#### MEMBERS ABSENT

#### OTHERS PRESENT

John Wesley  
Tom Ellsworth  
Lesley Davis  
Angelica Guevara  
Gordon Sheffield  
Wahid Alam  
Debbie Archuleta  
Margaret Robertson

Sean Lake  
Art Haddow  
Ben Leeson  
Susan Carter  
Joy Thomas  
Valerie Malowe  
Michael Lasch  
Joan Aeppli  
James J. McAuliffe  
JoAnn DeLange  
Kathryn Willis  
Terry Thomas  
Charles Soard  
Linda Evans  
Jane Kanik

Cheryl Kirby  
Allen Willis  
Manuela Craca  
Matt Baker  
William Myers  
John Malone  
Pasquale Monaco  
Joan Paul  
Lowell Harris  
Janet Harris  
Joyce McGregor  
Shari Baker  
David Giudice  
Jackie Giudice  
Linda Myers  
Others

Chairperson Mizner declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated February 17, 2010. Before adjournment at 6:24 p.m., action was taken on the following:

It was moved by Boardmember Beth Coons, seconded by Boardmember Vince DiBella that the minutes of the January 19, 2010, and January 20, 2010 study sessions and regular meeting be approved as submitted. Vote: 6 - 0.

Consent Agenda Items: All items identified with an asterisk (\*) were approved with one Board motion.

Zoning Cases: Z10-05, Z10-07, GPMinor09-06 and Z09-20

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Item: **Z10-05 (District 6)** 5255 South Power Road. Located south of Ray Road on the east side of Power Road (1.6± acres). Site Plan Review. This request will allow for the development of a restaurant with a drive-thru. (PLN2009-00472) McDonald's USA, owner; Kelly Ferguson, Robert Brown Architects, applicant.

Comments: Chairman Frank Mizner read the request into the record.

It was moved by Boardmember Chell Roberts, seconded by Boardmember Beth Coons

That: The Board approve zoning case Z10-05 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan and preliminary elevations as approved by the Design Review Board.
2. Compliance with all requirements of the Design Review process.
3. Compliance with all City development codes and regulations.

Vote: Passed 6 – 0

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**Note:** *Audiotapes of the Planning & Zoning Board Meetings are available in the Planning Division Office for review. They are also “live broadcasted” through the City of Mesa’s website at [www.cityofmesa.org](http://www.cityofmesa.org)*

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Item: **Z10-07 (District 4)** 141 North MacDonald. Located north of Main Street and east of Country Club Drive (4.5± acres). Council Use Permit. This request will allow the expansion of an existing school within a Town Center zoning district. (PLN2009-00418). Charles Goraieb, Queen of Peace, Catholic Church, owner; Vince DiBella, applicant.

Comments: Chairman Mizner read the request into the record. Boardmember DiBella declared a conflict.

It was moved by Boardmember Randy Carter, seconded by Boardmember Lisa Hudson

That: The Board recommend to the City Council approval of zoning case Z10-07 conditioned upon:

1. Compliance with the project narrative as submitted except modified by the following conditions.
2. Compliance with all City development codes and regulations.
3. Compliance with Substantial Conformance Improvement Permit (SCIP) approval by Zoning Administration, scheduled for hearing on March 23, 2010 after Council action scheduled for March 22, 2010.

Vote: Passed 5 – 0 -1 (Boardmember DiBella abstained)

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Item: **GPMInor09-06 (District 6)** 6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). District 6. Minor General Plan Amendment to change the Mesa 2025 General Plan Land Use designation from Community Commercial (CC) and Medium Density Residential 6-10 du/acre (MDR 6-10) to High Density Residential 15+ du/acre (HDR 15+). This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant. CONTINUED FROM OCTOBER 21, NOVEMBER 18, and , DECEMBER 16, 2009.

Comments: Boardmember Hudson declared a conflict. Chair Frank Mizner stated the Board would hear GPMInor09-06 and Z09-20 at the same time, then make separate motions on the two requests.

Sean Lake, 1744 South Val Vista Drive, represented the case. Mr. Lake explained there were multiple property owners who have come together for this site. He stated the property was between Superstition Springs Mall and Phoenix Mesa Gateway Airport, both of which were extremely important to the City. He stated the Mesa Gateway Strategic Plan expected 100,000 jobs in this area in the future. This project would provide a place for some of those workers to live. He stated the original General Plan designation for this property was Community Commercial, then it was changed to Medium Density Residential. They are requesting an amendment to High Density Residential. Mr. Lake stated the project would have direct access to major arterials; it was near bus routes; there was existing water, sewer, and infra-structure; and it was adjacent to a City park. He stated apartments would be a good transitional use from commercial to single family. He stated there would be good accessibility to Power Road and to Monterey, which loops around to Sossaman and to Guadalupe. There were four owners, plus the owners of the property to the south which was not a part of this request. He stated this would create a unified plan with unified circulation, as opposed to what was currently approved for the four parcels. He stated most of the square mile was single family residential, this would provide diversity of housing. The General Plan talks about schools, traffic, mass transit, and available utilities for high density residential. Mr. Lake stated the applicants were willing to move the driveway on Monterey to the east. He stated there were two access points onto Power.

Art Haddow, 2532 South Sunrise spoke in opposition to the case. He was concerned that the project would not be developed as proposed. He thought traffic for the apartment complex would use Monterey because there was a light there.

Cheryl Kirby, 6917 East Mirabel Avenue, represented neighbors. She stated many more people wanted to be at the meeting but couldn't leave work to be there. She stated the main concern was traffic and protecting their families. She stated they don't oppose a builder making a profit but not at their loss. She said it was her understanding the intent of the General Plan was to have a vision for the City and how it best represents the citizens. She didn't believe the people who laid down the plan would want this. She stated this change did not benefit their community. There are many reasons for wanting to change the general plan, this development would not enhance or add value to Superstition Springs. She stated this breaks the promise D.M.B. made with their original plan. She confirmed the Board had received a copy of the protest petition in their packets.

Allen Willis, 6911 East Milagro, spoke in opposition to the case. He stated the main thing he was concerned about was the safety of their children. Traffic will be dumped onto Monterey. 700 plus cars would be a danger to their children walking to school. He thought the project was too

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dense. He stated transitional zoning was OK but not 348 units. He thought there should be a traffic study done.

Ben Leeson 2639 South 72<sup>nd</sup> Circle spoke in opposition. He stated this was not a simple zoning change, it would affect their community forever. He did not want people to turn right onto Monterey. He appreciated Phoenix Mesa Gateway and Superstition Springs Mall, but wanted the apartment complex moved south closer to the airport. Demographics of apartments change single family neighborhoods. There are a high number of vacancies in the apartment complexes already in this area. The project would not be able to get access to the south to Guadalupe. You cannot turn left onto Power except from Monterey. The apartments would depreciate property values and add crime.

Dave Wolford, 6926 East Monte Avenue spoke in opposition. He stated he was concerned for the safety of the children in the community. He also stated the demographics of residents would increase crime, and the park would not be safe.

Manuela Craca, 6952 East Monte Avenue spoke in opposition. She stated she did not want her son to have to deal with cars coming out of the complex. He already had three driveways to pass on the way to school. She stated property values would decrease and traffic is already dangerous on Power from the people entering and leaving the QuikTrip.

Joy Thomas 2657 South Athena, then spoke in opposition. She stated she was an original owner who backs up to 74<sup>th</sup> Street. She stated many people walk, skate, or ride bikes in the neighborhood and the additional traffic would not be safe.

Susan Carter, 6958 East Monte Avenue spoke in opposition. She stated she purchased her home because of the value and the park. Home values have already decreased and low income apartments will decrease values even more. She is concerned about safety issues, theft and vandalism from apartment residents.

Matt Baker, 7044 East Monte Circle spoke in opposition. He stated he lived 100 yards from the park. There are already high density units near this project. He thought there were too many apartment units in the area already. Monterey is already crowded. The apartment residents would not be able to turn left onto Monterey because too many cars are there. Evenings and weekends cars illegally park along Monterey for the park.

Chair Frank Mizner stated the Board cannot consider the number of apartment units near this site any more than they could say there were too many fast food restaurants in an area, or too many grocery stores.

Staff Planner Tom Ellsworth stated the 2002 General Plan had a designation of Community Commercial for this site. Commercial uses are hampered by a flood channel that blocks access to Guadalupe. In 2007 a General Plan Amendment was adopted for Medium Density Residential6 – 10 with R1-6 zoning. This application was for High Density Residential. From a zoning perspective, this project would be similar to other areas of the valley with multi-family residential. Safety concerns can be used for justification. He stated there were currently 116 units approved. The previous submittal had access only onto Monterey Avenue. He confirmed with the applicants that the Power Road access would be for egress only, no ingress. The project would have two-story units along Monterey with three-story south of there. The entry to the south would be to the southern portion of the vacant site not to Guadalupe Road. He stated the applicant has offered to provide parking in the park to alleviate traffic concerns along

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Monterey for activities at the park.

In response to the neighborhood concerns Mr. Lake stated enhancing the community can mean the whole City or a neighborhood. He stated the airport is important to the City and diversity of housing for airport area jobs is important. The current plan for this area would have commercial at the corner, which would access Monterey as well as the residential, which would also use Monterey. He thought a unified development would be better. The multiple ingress/egress points would be a benefit to the community. He stated they would like to build farther south; however, the City feels that would be too close to the airport.

Staffmember Tom Ellsworth stated this project is consistent with other areas of the valley that have high density residential, it would have direct access to an arterial street and direct access to a collector street, the Transportation Department did not have any concerns, the increase in the number of units from what was previously approved was about 230 units. The previously approved plan had no access to Power.

Boardmember Beth Coons confirmed the apartment complex would not be low income housing. She also confirmed the phasing of the project would be from Monterey south. She agreed safety is very important; however, the problem already exists. She thought the City should be resolving the problem since it is a City park, not this developer. She suggested talking to Gilbert Public Schools to request additional crossing guards.

Boardmember Vince DiBella confirmed the project would be apartments not condominiums. He also confirmed the access would be gated. He asked if they could build the complex without the driveway on Monterey. Mr. Lake stated that driveway would be critical to the project.

Boardmember Randy Carter confirmed with staff that this project would be consistent with other areas of the City. Mr. Carter asked staff how this request was an improvement to the area. Boardmember Carter confirmed with staff that the dividing line for residents has been the power lines which are ½ mile south of Guadalupe. Planning Director John Wesley stated residential south of the power lines has not been allowed in the past. This Council is more likely to allow some multi-family housing in this area today; however, the applicant must prove it would not negatively impact the airport. Boardmember Carter stated that traffic from apartment complexes typically is spread out throughout the day. He thought a study should be done to compare the traffic from the currently approved housing and commercial projects with the traffic from this proposal.

Boardmember Chell Roberts asked for clarification regarding the promise one of the neighbors referred to. Mr. Ellsworth stated there was no "promise", there was only the original master plan from DMB.

Chair Frank Mizner stated the General Plan was adopted in 2002. Approximately 35 citizens spent thousands of hours working on the plan, which is a blue print for the vision for Mesa. General Plan amendments are not unusual, this was the 6<sup>th</sup> amendment for 2009. Developers have the right to go through this process and make their requests.

It was moved by Boardmember Chell Roberts, seconded by Boardmember Beth Coons

That: The Board recommend to the City Council adoption of zoning case GPMinor09-06:

Chair Mizner complimented the neighbors for their involvement. He stated they were well

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organized, and he appreciated their passion. He stated it was not easy to consolidate properties. He did not believe this site was on an arterial corner. He thought there would be major traffic impacts and he felt this request failed the criteria for a General Plan Amendment.

Boardmember Carter stated he was having a hard time with his decision. He thought the project was well designed and would not be low-income. He understood the neighbor's concerns.

Boardmember DiBella thought there were merits to the project as designed. He was concerned the project could change in the future. He was also concerned with 15 + density.

Boardmember Coons confirmed that any significant change to the project would come back to the Board.

Vote: Passed 3 – 2 – 1 Chair Mizner and Boardmember DiBella nay; Boardmember Hudson abstained.

\* \* \* \* \*

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Item: **Z09-20 (District 6)** 6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). Rezone from C-2 and R1-6 PAD to R-4 PAD and Site Plan Review. This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant. CONTINUED FROM OCTOBER 21, NOVEMBER 18, and DECEMBER 16, 2009.

Comments: Boardmember Hudson declared a conflict. Chair Frank Mizner stated the Board would hear GPMInor09-06 and Z09-20 at the same time, then make separate motions on the two requests.

Sean Lake, 1744 South Val Vista Drive, represented the case. Mr. Lake explained there were multiple property owners who have come together for this site. He stated the property was between Superstition Springs Mall and Phoenix Mesa Gateway Airport, both of which were extremely important to the City. He stated the Mesa Gateway Strategic Plan expected 100,000 jobs in this area in the future. This project would provide a place for some of those workers to live. He stated the original General Plan designation for this property was Community Commercial, then it was changed to Medium Density Residential. They are requesting an amendment to High Density Residential. Mr. Lake stated the project would have direct access to major arterials; it was near bus routes; there was existing water, sewer, and infra-structure; and it was adjacent to a City park. He stated apartments would be a good transitional use from commercial to single family. He stated there would be good accessibility to Power Road and to Monterey, which loops around to Sossaman and to Guadalupe. There were four owners, plus the owners of the property to the south which was not a part of this request. He stated this would create a unified plan with unified circulation, as opposed to what was currently approved for the four parcels. He stated most of the square mile was single family residential, this would provide diversity of housing. The General Plan talks about schools, traffic, mass transit, and available utilities for high density residential. Mr. Lake stated the applicants were willing to move the driveway on Monterey to the east. He stated there were two access points onto Power.

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Chair Frank Mizner stated the General Plan was adopted in 2002. Approximately 35 citizens spent thousands of hours working on the plan, which is a blue print for the vision for Mesa. General Plan amendments are not unusual, this was the 6<sup>th</sup> amendment for 2009. Developers have the right to go through this process and make their requests.

It was moved by Boardmember Chell Roberts, seconded by Boardmember Beth Coons

That: The Board recommend to the City Council approval of zoning case Z09-20 with the following conditions:

1. Compliance with the basic development as described in the project narrative, as shown on the site plan submitted, and preliminary elevations as approved by the Design Review Board, (without guarantee of lot yield, building count, lot coverage).

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2. Compliance with all requirements of the Design Review process.
3. Compliance with all City development codes and regulations.
4. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
5. All street improvements and street frontage landscaping to be installed in the first phase of construction.
6. Certificates of Occupancy and/or Completion for individual buildings shall not be granted until Zoning Ordinance required parking and landscaping are constructed for those buildings.
7. All limits of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights of Way and public areas.
8. The applicant agrees to provide to the City a cross access and shared maintenance agreement with the adjacent property owner to the south as shown on the site plan.
9. Owner granting an Avigation Easement and Release to the City, pertaining to Phoenix-Mesa Gateway Airport which will be prepared and recorded by the City.
10. Written notice be provided to future residents, and acknowledgment received that the project is within 3 miles of Phoenix-Mesa Gateway Airport.
11. Noise attenuation measures be incorporated into the design and construction of the units to achieve a noise level reduction of 25 db.
12. The applicant agrees to enter into a Development Agreement with the City to facilitate the development of a parking area within Monterey Park.

Chair Mizner complimented the neighbors for their involvement. He stated they were well organized, and he appreciated their passion. He stated it was not easy to consolidate properties. He did not believe this site was on an arterial corner. He thought there would be major traffic impacts and he felt this request failed the criteria for a General Plan Amendment.

Boardmember Carter stated he was having a hard time with his decision. He thought the project was well designed and would not be low-income. He understood the neighbor's concerns.

Boardmember DiBella thought there were merits to the project as designed. He was concerned the project could change in the future. He was also concerned with 15 + density.

Boardmember Coons confirmed that any significant change to the project would come back to the Board.

Vote: Passed 3 – 2 – 1 Chair Mizner and Boardmember DiBella nay; Boardmember Hudson abstained.

\* \* \* \* \*

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F. HEAR A PRESENTATION, DISCUSS AND PROVIDE DIRECTION ON THE FOLLOWING:

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### 1. Review and discuss Zoning Code Update

Zoning Administrator, Gordon Sheffield gave a presentation on the residential portion of the Zoning Code update. He stated the abbreviations for residential districts would change to RS for residential single family and RM for residential multiple family. There would be two new zoning categories; RSL which would be residential small lots; and RM-5. The densities for most single family residential would stay the same. The densities for multiple residential would increase. The height limits would remain; however there would no longer be limits on the number of stories, so you could have three stories, for example, as long as the building stays within the 30-foot height limit. Also, residential land uses will be allowed in other zoning categories, such as commercial and mixed-use districts, under specified conditions.

Mr. Sheffield stated staff was concentrating on Purpose and Intent statements to clearly state the goals and visions for each of the various districts. He stated staff was also trying to establish design standards for parks, schools, churches, energy conservation.

There would be substantial changes to the "bulk" or form standards that allow more house per lot in RS districts. The livable area of houses would be allowed closer to front property lines with garages set back from the front of the house. An allowance has also been made to permit additions to encroach into rear yards. For smaller lots, zero lot lines would be allowed with mandatory maintenance access easements required on the neighboring lot. Building coverage of the lot would increase 5% for larger lots and there would be a 10% increase in building coverage for smaller lots. In order to lessen the visual impact of garages, and be a less dominate feature of homes, the setback would push the front of the garage back from the principal face of the home, or encourage second-story cantilevers over them.

A new RSL district will be created which would allow 2,500 to 4,500 sq. ft. lots for townhomes, patio homes, or cluster-style designs. Twelve design options would be available to choose from. Developers who use more of the design elements would be able to increase the density of the project. The developer would have to provide at least 8 of the 12 to have the 2,500 sq. ft. This would allow the developers to have choices while ensuring a creative, high-quality development. Formerly, such developments required a PAD overlay district, and staff would negotiate amenities and design. This menu choice method allows the developer to choose which option fits the project best, while still providing specified minimums for higher quality developments. He stated staff was trying to ensure diversity and interest.

Regarding changes to multiple residence districts, he stated there would be character designators that describe differing development standards for suburban areas, mixed use areas, and urban areas. The land uses would remain the same, but the standards would be different, reflecting the context of the "character" of that area.

Mr. Sheffield stated that at the suggestion of the Design Review Board staff was adding Design Objectives to explain what is being sought by a particular design standard. He explained one change being proposed would allow building separations to use square footage to provide "averaged" spaces in-between and allow the designer opportunity to provide more interest in the building design. Going back to the Urban Character designation, the residential density would remain what it is for each zoning district; however, in the RM-3U a minimum density would be added, and the allowed height would be increased. The table used in the NC-U district would explain the urban standards. There would be a requirement for maximum and minimum setbacks at entrances; building coverage would increase; and balconies, roof tops, or court yards could be considered the functional equivalent of open space on the ground in suburban areas.

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Chair Mizner liked the small lot options.

Boardmember Carter asked to be provided the commercial sections of the update to be discussed at next month's meeting prior to the meeting. Mr. Sheffield indicated it was his goal to have the entire Public Review draft of the Update available by that time.

Respectfully submitted,

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John Wesley, Secretary  
Planning Director

DA:  
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